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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RSA-2077-2015 (O&M)
Date of Decision:03.08.2022**

Ashok Mehta

.. Appellant

Vs.

Jiwan Mehta

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Kunal Mulwai, Advocate for the appellant.

Ms. Payal Mehta, Advocate for the respondent.

...

Manoj Bajaj, J. (Oral)

CM-5103-C-2022

Learned counsel for the appellant/plaintiff states that the application has been filed under Order 23 Rule 3 CPC read with Section 151 CPC for withdrawal of the main appeal in terms of family settlement deed dated 24.03.2022. Learned counsel prays that the main appeal be taken on board for hearing.

Notice of application.

At this stage, Ms. Payal Mehta, Advocate has appeared and filed power of attorney on behalf of the respondent and does not oppose the prayer.

CM is allowed. The family settlement deed is taken on record and on the oral request of learned counsel for the parties, the main appeal is taken on board for hearing.

RSA-2077-2015 (O&M)

The appellant/plaintiff has challenged the judgment and decree

dated 08.08.2014 passed in Civil Appeal No.2348/2013 by Addl. District Judge, Panchkula, whereby the judgment and decree dated 14.12.2012 passed in Civil Suit No.11/2004 by Civil Judge (Sr. Divn.), Panchkula dismissing his suit for separate possession and injunction, was upheld.

Learned counsel for the appellant states that during the pendency of the appeal, the dispute between the parties, who are real brothers has been settled and apart from the suit property, other properties have also been adjusted among the interested parties.

In this regard, he has invited the attention of the Court to the family settlement deed dated 24.03.2022, which is signed by all the parties. He submits that in terms of this settlement, the suit property has fallen in the share of defendant Jeewan Mehta, therefore, the appellant is not willing to pursue this appeal and wishes to withdraw it, as his claim in the suit stands wholly adjusted.

Learned counsel for the respondent does not dispute the above stand of the learned counsel for the appellant and states that indeed the suit property has fallen in share of the respondent/defendant and she has no objection, if the appellant is allowed to withdraw the appeal.

In view of the above, the regular second appeal is dismissed as withdrawn.

03.08.2022
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No